

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Angelica Junious,

Plaintiff,

No. 22 C 3681

v.

Magistrate Judge Maria Valdez

Sgt. W. Baker #3159, et al.,

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION  
FOR LEAVE TO FILE AN AMENDED COMPLAINT AND  
FOR OTHER MISCELLANEOUS RELIEF**

Defendants, LT. PURCELL, OFFICER CHENGARY, OFFICER WALZ, OFFICER RAHN, and COOK COUNTY SHERIFF TOM DART, (collectively, “Defendants”), by their attorney, KIMBERLY M. FOXX, State’s Attorney of Cook County, through her Assistant State’s Attorneys, ANTONIO LEE and JAMES O’CONNOR, pursuant to Court Order on August 16, 2023 (Dkt. No. 102), submit the following response to Plaintiff ANGELICA JUNIOUS (“Plaintiff”) Motion for Leave to File an Amended Complaint Pursuant to Fed. R. Civ. P. 15 and for Other Miscellaneous Relief (hereinafter “Motion”). (Dkt. No. 98.) In support thereof, Defendants state as follows:

**INTRODUCTION**

Plaintiff’s Motion is facially defective because it fails to comply with this Court’s Standing Orders pursuant to Local Rule 37.2. The Court’s Standing Orders for Discovery Motions state that “compliance with Local Rule 37.2 requires good faith effort to resolve discovery disputes and, other than exceptional circumstances, timely communication that takes place face to face or by telephone conference is required. The mere exchange of correspondence will not normally be

sufficient to comply with Local Rule 37.2.” *See* Judge Maria Valdez Standing Orders on Mot. Requirements.

Here, Plaintiff and Defendants (collectively the “Parties”) did not reach an impasse prior to Plaintiff’s Motion because undersigned counsel did not have a meaningful opportunity to address Plaintiff’s concerns. Nevertheless, any *perceived* impasse was resolved on Monday, August 14, 2023. This brief will only address Plaintiff’s request for discovery sanctions. Defendants will file a separate motion regarding the extension of the fact discovery deadline. Accordingly, Defendants respectfully request this Honorable Court to deny Plaintiff’s Motion and grant any other necessary and proper relief.

### **DISCUSSION**

1. On Friday, August 11, 2023, undersigned counsel, Assistant State’s Attorney Antonio Lee, informed Plaintiff that Defendant Sgt. Baker’s deposition needed to be canceled. Due to the nature of the cancellation, undersigned counsel could not disclose further details, but informed Plaintiff’s counsel that next steps would be promptly provided by the following week.

2. Undersigned counsel worked diligently to quickly resolve the issue after cancelling the deposition.

3. On Monday, August 14, 2023, Assistant State’s Attorney Miguel Larios filed an appearance on behalf of Defendant Sgt. Baker, and a motion for substitution of counsel for undersigned Assistant State’s Attorney’s Antonio Lee and James O’Connor.

4. After this resolution, but before undersigned counsel could confer with Plaintiff’s counsel, Plaintiff filed the operative Motion before District Court Judge Edmond E. Chang, requesting, *inter alia*, “sanctions and appropriate relief concerning extensions of time to complete discovery and to compel Defendants’ compliance with discovery” on August 14, 2023. (Dkt. No.

98, at pg. 9.) However, Defendants never communicated a refusal to comply with discovery and were not consulted prior to Plaintiff's filing the Motion.

5. That same day, the Parties worked towards discussing depositions and resolving any fees incurred for the cancellation of Defendant Sgt. Baker's deposition.

6. On August 14, 2023, Assistant State's Attorney Miguel Larios requested an invoice from Plaintiff's counsel regarding the cancellation fee. On August 17, 2023, Plaintiff tendered the invoice. Accordingly, the Parties are actively moving forward to resolve this matter.

7. Defendants have not refused to cooperate or comply with discovery in this case. Therefore, Plaintiff's request for a protective order to compel oral testimony is premature and should be denied.

8. Lastly, Defendants will file a separate motion to address further discovery aspects relating to the fact discovery deadline, as discussed during conferral with Plaintiff's counsel on August 17, 2023.

### **CONCLUSION**

Plaintiff failed to comply with this Court's Standing Orders prior to filing the operative Motion. Yet, the Parties have not reached an impasse regarding any perceived discovery disputes presented in the Motion.

WHEREFORE, Defendants respectfully request this Court to deny Plaintiff's Motion and grant any other relief deemed proper and necessary.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Assistant State's Attorney, Antonio Lee, hereby certify that *Defendants' Response to Plaintiff's Motion for Leave to File an Amended Complaint and for Other Miscellaneous Relief* was served upon Plaintiff's counsel via the CM/ECF filing system on August 18, 2023.

/s/ Antonio Lee  
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